



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 24, 1996

Ms. Charlotte Harris  
District Attorney  
51st Judicial District of Texas  
112 West Beauregard  
San Angelo, Texas 76903

OR96-1755

Dear Ms. Harris:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 37963.

The Office of the District Attorney received a request for the "entire file" regarding Criminal Case No. A 950152S. You do not raise any exceptions from required public disclosure under the Open Records Act (the "act") but assert that the Office of the District Attorney is part of the judicial branch of government and, therefore, not a "governmental body" as defined by the act.

In *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996), the Texas Supreme Court expressly held that the Harris County District Attorney's Office is a "governmental body" within the meaning of the act and is subject to its provisions. Thus, the Office of the District Attorney is subject to the act and, as you have raised no exceptions under the act, the requested information must be released to the requestor.<sup>1</sup>

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<sup>1</sup>We note, however, that some of the information contained in the requested information may be confidential by law. See, e.g., V.T.C.S. article 4413(29cc), section 19A (regarding information acquired from a polygraph examination). Release of confidential information by a governmental body may constitute a criminal offense. Gov't Code § 552.352.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Todd Reese". The signature is written in a cursive style with a long horizontal line extending to the right.

Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/rho

Ref.: ID# 37963

Enclosures: Submitted documents

cc: Mr. Jay L. Winckler  
Gibbins, Winckler & Harvey, L.L.P.  
P.O. Box 1452  
Austin, Texas 78767  
(w/o enclosures)